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James Freas
Acting Director

DATE: May 29, 2015

TO: Alderman Marcia T. Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: James Freas, Acting Director of Planning and Development

RE: Responses to Alderman Baker's Memorandum, dated May 18, 2015

Cc: Board of Aldermen
Planning & Development Board
Law Department

The Planning Department is issuing the following responses (**bold text**) to the questions submitted by Alderman Baker concerning the revised Draft Zoning Ordinance, date May 15, 2015:

Questions, dated May 18, 2015

1. Most of my prior questions were answered, but I am still unclear about the parking requirements in a table for religious uses. Is this new?

The revised zoning ordinance does not change the parking requirement for religious uses. Under Sec. 30-19(d)(13) of the adopted zoning ordinance, the parking requirement for this use is grouped with "*..restaurants...theaters, halls, clubs, auditoriums and other places of amusement or assembly*". As a result of the clarifying and reorganization of uses undertaken in this phase, the former 'places of assembly' use has been eliminated, and the parking requirements for the now defined 'Religious Institution' use is listed in the Sec. 5.1.4.A Table.

2. Also, what has been done about the special permit categories I had asked about for institutional uses. Can this area be clarified?

As noted in the Planning Department's correspondence, dated May 15, 2015, all the scenarios mentioned where a religious institution or educational use would be subject to special permit review, the permitting requirements for these instances have been incorporated into the respective articles of the revised zoning ordinance. This was done to address ambiguity and clarify inconsistencies or conflicts in the zoning ordinance.

3. Another provision not yet addressed is the definition of an accessory apartment. Last week, I had asked how it could be a dwelling unit within a dwelling unit, since a "dwelling unit" is a defined term under section 1.5.1.1.E to be a single habitable space for one family. Your memo had responded that it could be solved by removing the term "unit" when it was clear that "the context implies that it is referring to the building." But in the June 15 draft ordinance, the term

“unit” is still in Section 6.7.1.1.A. and needs to be corrected.

The removal of the term ‘unit’ has been made to the latest redlined and clean versions of the revised zoning ordinance, dated May 29, 2015. The Planning Department believes this edit resolves the above referenced concern.

4. I had understood from your memo that the dimensional limits of the existing ordinance were carried over, e.g., the accessory apartment provisions. However, the table of dimensional requirements in the existing version has a building size threshold of 4000 square feet but, but in the May 15 draft in Section 6.7.1.F. it is erroneously set at 4400 square feet. (It may be important to read those tables against the existing ordinance one last time to make sure no similar errors exist elsewhere.)

The latest version of the revised zoning ordinance has corrected this scrivener’s error.

5. Also, it is not clear where the map of the overlay districts can be found. Can you clarify that?

This ambiguity of where to look for a map depicting the accessory apartment overlay district exists in the existing zoning ordinance. To provide clarity to this point, a reference to the City’s Official Zoning Map has been incorporated into Sec. 6.7.1.E.1. of the latest version of the revised zoning ordinance.

6. It is important to avoid errors of omission if possible. For example, the word “be” is missing in this section from the ordinance: “3. Existing space on porches shall not be included except as follows: If the accessory apartment is to be located in space previously used for a porch, the building size shall include that in the primary dwelling structure plus that space to [“be” is omitted here] used for the accessory apartment on the porch...”

The latest version of the revised zoning ordinance has corrected this scrivener’s error.

7. Have all the provisions of Table 1 applicable to residential uses been carried over into the new ordinance?

Yes, all the provisions of Sec. 30-15 Table 1 in the adopted zoning ordinance, including the footnotes, have been incorporated into the revised zoning ordinance. In the case of the footnotes listed below Table 1, most of these provisions have been incorporated into the respective articles of the revised zoning ordinance. This was done to address ambiguity and clarify inconsistencies or conflicts in the adopted zoning ordinance.